



**6911 18TH AVENUE
BROOKLYN, NEW YORK 11204
TELEPHONE (718) 232-1250
FAX (718) 256-0966**

ALFRED POLIZZOTTO (1935-2001)
ALFRED POLIZZOTTO III*

EMILIO RODRIGUEZ, JR.
JENSEN POLIZZOTTO

LONG ISLAND OFFICE
1129 Northern Boulevard Ste 404
Manhasset, New York 11030

VIA ELECTRONIC FILING

Honorable Gabriel W. Gorenstein
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

April 7, 2024

Re: Tyler Erdman v Adam Victor, 20-cv-4162

Dear Judge Gorenstein,

This letter is written in response to Mr. Erdman's letter of April 7, 2024, alleging violations of the Court's April 3, 2024 Order and the letter submission following same on April 5, 2024.

The Court set forth in its Order that the parties were to submit a jointly composed letter summarizing their position as to each of the following document sources:

1. "Export from Braverman case;"
2. The four hard drives referenced in plaintiff's letter, see Pl. Letter at 3 (referring to "2021-SETEC Hard Drives");
3. Mr. Victor's "P-Drive;"
4. Mr. Victor's personal desktop computer;
5. Mr. Victor's computer located at his "Unit 30C office;"
6. Ms. Khatskevich's computer from when she worked with Mr. Victor

The procedure set forth with the Court was clear – Plaintiff was to submit a letter summarizing why each of the searches was insufficient in these 6 areas and Defendant was to insert that text in his own letter with responses thereto.

This procedure was followed and for each of the 6 subject areas identified in the order both the Plaintiff's and Defendant's position was set forth. In fact, we even included a seventh subject heading not indicated by the Court, namely "Why Plaintiff Feels Defendant's Search is Insufficient." This letter was filed with the Court on April 5, 2024.

The Plaintiff has ventured beyond the scope of the Court's directives in the April 3, 2024 Order by including areas such as the E-mail accounts of the Defendant (both personal and office accounts), and other alleged repositories such as the "Film Computer" and Find My Phone. These areas of inquiry were not within the scope of the April 3, 2024 Order and, as such, were not included within the submission to the Court.

It is respectfully submitted that the Order did not direct the parties to expand the submission to those areas of inquiry which the Plaintiff wishes to address in the matters annexed to his letter as Exhibit "A", and that the deletion of those matters which did not pertain to the 6 areas of document sources set forth in the April 3, 2024 were properly omitted from the April 5, 2024 letter submission.

Very truly yours,
Polizzotto & Polizzotto, LLC

Alfred Polizzotto III
Alfred Polizzotto, III

Emilio Rodriguez
Emilio Rodriguez